

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 21-10959-J

UNITED STATES DEPARTMENT OF TREASURY,

Plaintiff-Appellee,

versus

SEIZED FEDERAL SECURITIES,

Defendant,

DUANE L. BERRY,

Interested Party-
Appellant.

Appeal from the United States District Court
for the Northern District of Georgia

Before: MARTIN, BRANCH and GRANT, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. The United States District Court for the Northern District of Georgia's Tenth Amendment to General Order 20-01, entered on February 19, 2021, is not a final order because it did not end the litigation on the merits. *See World Fuel Corp. v. Geithner*, 568

F.3d 1345, 1348 (11th Cir. 2009). Moreover, the order does not fall into the specific class of orders that are made appealable by statute or jurisprudential exception. *See* 28 U.S.C. §§ 1291, 1292. Thus, we lack jurisdiction over this appeal because the challenged order is not final and does not fall into an exception for interlocutory orders. *See CSX Transp., Inc. v. City of Garden City*, 235 F.3d 1325, 1327 (11th Cir. 2000).

Any outstanding motions are DENIED as moot. No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir. R. 27-2 and all other applicable rules.

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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April 30, 2021

Duane L. Berry
FMC Butner - Inmate Legal Mail
PO BOX 1600
BUTNER, NC 27509

Appeal Number: 21-10959-J
Case Style: Department of Treasury - Washi v. Duane Berry
District Court Docket No: 1:21-cv-00717-CAP-CCB

The enclosed copy of this Court's Order of Dismissal is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Davina C Burney-Smith, J
Phone #: (404) 335-6183

Enclosure(s)

DIS-4 Multi-purpose dismissal letter